

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO: )

Wray v. Ameridose, LLC, et al )  
1:13-cv-12737 )  
)

---

**STOPNC DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY RE: REPLY IN  
SUPPORT OF THEIR MOTION FOR QUALIFIED PROTECTIVE ORDER [Doc. 50]**

---

Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN, CNOR; and Vaughan Allen, MD (collectively "STOPNC Defendants") move for permission to file a reply to the Plaintiffs' Opposition to the Motion for Qualified Protective Order.<sup>1</sup>

For their Motion the STOPNC Defendants state:

1. On January 22, 2016, the STOPNC Defendants filed a Motion for Qualified Protective Order and an accompanying Memorandum in Support.<sup>2</sup>
2. On February 5, 2016, the Plaintiffs filed a Memorandum in Opposition to the Motion for Qualified Protective Order.<sup>3</sup>
3. On February 12, 2016, the State of Tennessee Filed a Memorandum of Law in Support of Tenn. Code Ann. § 29-26-121(f).<sup>4</sup>

---

<sup>1</sup> Doc. 55.

<sup>2</sup> Docs. 50 and 51 respectively.

<sup>3</sup> Doc. 55

<sup>4</sup> Doc. 59.

4. On February 9, 2016, the Plaintiffs assented to the Defendants' request to file a Motion for Leave to File a Reply.
5. The STOPNC Defendants seek this Court's permission to file a focused reply to address their position that Tenn. Code Ann. § 29-26-121(f) is a substantive state law, that Tenn. Code Ann. § 29-26-121(f) is not preempted by HIPAA, and that regardless of whether state or federal law controls this issue, the Court should grant the Defendants' original Motion.
6. The proposed reply is attached as Exhibit 1 to this Motion.

Respectfully submitted,

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris J. Tardio

**C.J. Gideon, Jr.\***

**Chris J. Tardio\***

**Alan S. Bean\*\***

**Matthew H. Cline\***

315 Deaderick Street, Suite 1100

Nashville, TN 37238

Ph: (615) 254-0400

Fax: (515) 254-0459

[chris@gideoncooper.com](mailto:chris@gideoncooper.com)

***Attorneys for the Tennessee Clinic  
Defendants***

\* Admitted pursuant to MDL Order No. 1.

\*\* Admitted *pro hac vice*.

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 15<sup>th</sup> day of February, 2016.

/s/ Chris J. Tardio \_\_\_\_\_

**Chris J. Tardio**